

ORDINANCE NO. 98-47-CM

AN ORDINANCE AMENDING CHAPTERS 1, 2, 3, 4, 5, and APPENDIX D

OF ORDINANCE NO. 97-51-CM

BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana) that Ordinance No. - , being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1. Correct Section 1-10-2, WORDS AND TERMS DEFINED, of Chapter 1, GENERAL PROVISIONS by revising the definition of the term BANNER, by removing the period at the end of the sentence, and adding: "or any government authorized fabric strung over a public **right-of-way**, serving as an *event oriented sign*," and by revising the definition of EVENT ORIENTED SIGN by adding "government authorized *banners* strung over public **right-of-way**," between '*pennants*,' and 'strings of lights.'

I

Section 2. Also, correct Section 1-10-2, WORDS AND TERMS DEFINED, of Chapter 1, GENERAL PROVISIONS by revising the first sentence of the definition of the term EVENT ORIENTED SIGN to read: "A freestanding on-site *sign* used no more than 21 days within a 90-day period, no more than 4 times a year, to commemorate a special event or sporting event."

Section 3. Correct Subsection 2-12-13, BUFFERING REQUIREMENTS, of Section 212, NB, NEIGHBORHOOD BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by renumbering it "2-12-14."

Section 4. Correct Subsection 2-26-2-a, BOUNDARIES, of Section 2-26, FLOOD PLAIN ZONES, of Chapter 2, ZONE REGULATIONS, by replacing the *bold italic* font for the word "elevation" with a non-bold, non-italic font.

Section 5. Correct Subsection 3-2-2, AGRICULTURE, FORESTRY AND FISHING, in Chapter 2, PERMITTED USE TABLE, for SIC 085 FORESTRY SERVICES, by removing the "P" from the "AA" column, and adding a "P" in the "AW" column.

Section 6. Correct Subsection 3-2-10, SERVICES, in Chapter 2, PERMITTED USE TABLE, for SIC 7993 COIN OPERATED AMUSEMENT DEVICES, by removing the "P" from the "OR" column and adding a "P" in the "NBU" column-, and for SIC 7997, MEMBERSHIP SPORTS AND RECREATION CLUBS, by removing the "P" from the "R4W," "MR" and "HB" columns, and adding a "P" in the "NB," "GB," and "CBW" columns.

Section 7. Correct Subsection 4-2-2, SUMMARY OF STANDARD SETBACK REQUIREMENTS, of Section 4-2, STANDARD DIMENSIONAL REQUIREMENTS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by removing the superscript "2" from the 'MINIMUM REAR SETBACK' column heading, and by adding the superscript "2" to the 'AccUB' column heading just beneath the MINIMUM REAR SETBACK column heading.

Section 8. Correct Subsection 4-8-15, SIGNS PROHIBITED UNDER THIS ORDINANCE, of Section 4-8, SIGNS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by changing reference "4-8-12" to 4-8-14" and by changing reference "4-8-11 " to "4-8-13."

Section 9. Correct Subsection 4-9-7-d, BUFFERING FOR CERTAIN OPEN USES, of Section 4-9, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by changing "4-11-3" to "4-11-4."

Section 10. Correct Section 2-13-1, INTENT, of Section 2-13, NBU, NEIGHBORHOOD BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by adding "and West Lafayette" after 'Lafayette.'

Section 10-a. Change Section 2-13-4, MINIMUM LOT AREA, of Section 2-13, NBU, NEIGHBORHOOD BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by adding:

<i>University-proximate multi-family dwelling:</i>			
UNIT TYPE	LIVING AREA, (sq.ft.)	LOT AREA, EACH OF FIRST 3 UNITS	LOT AREA, EACH ADDITIONAL UNIT
A	825 and over	2000 sq.ft.	1000 sq. ft.
B	650-824	1500	1000
C	470-649	1200	750
D	under470	1000	600
Efficiency		800	500

For *university-proximate multi-family* projects containing more than one unit type, the 3 largest units shall be used to calculate "lot area, each of first 3 units".

Section 10-b. Change Section 2-13-10, MAXIMUM BUILDING HEIGHT, of Section 2-13, NBU, NEIGHBORHOOD BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by adding: "*University-proximate multi-family dwelling:* 14' at the finished floor of the upper *story*" after'35'.'

Section 10-c. Change Section 2-13-11, MINIMUM OFF-STREET PARKING REQUIREMENTS, of Section 2-13, NBU, NEIGHBORHOOD BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by adding: "(except *university-proximate residences:* see 4-6-4)" after the word 'unit.'

Section 10-d. Change Section 4-2-1, SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of Section 4-2, STANDARD DIMENSIONAL REQUIREMENTS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by adding to the NBU Zone: "UP: none" under the column headed MINIMUM LOT AREA, PER USE; "6" (footnote) under the column headed MINIMUM LOT AREA, PER D.U.; 70" under the column headed MINIMUM LOT WIDTH; "40" under the column headed MAXIMUM LOT COVERAGE BY ALL BUILDINGS; "30" under the column headed MINIMUM VEGETATIVE COVER; "5" (footnote) under the column headed MAXIMUM BLDG. HEIGHT.

Section 11. Correct Sections 2-19-6 and 2-19-11, of Section 2-19, CBW, CENTRAL BUSINESS ZONES, of Chapter 2, ZONE REGULATIONS, by adding "including parking structure" after'100%' in 2-19-6, and after 'REQUIREMENTS' in 2-19-11.

Section 12. Correct Section 3-2-10, SERVICES, of Chapter 3, PERMITTED USE TABLE, for'**Outdoor Advertising Signs**' by adding "4-8-10" in the Special Conditions column.

Section 13. Correct Subsection 4-1-c of Section 4-1, ACCESSORY USES AND ACCESSORY BUILDINGS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by revising 4-1-c-13 to read: "at permitted hotels, motels and office buildings, restaurants, newsstands, drug stores, gift shops, **swimming pools**, tennis courts, clubs and lounges;"

Section 14. Correct Subsection 4-4-6-e, SETBACKS FOR PARKING, of Section 4-4, SETBACKS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by adding the following sentence at the end of 4-4-6-e: "Regarding the development of **multi-family dwellings**, the **no parking setback** pertains only to the perimeter of the **development**, and not to any internal **lot lines**."

Section 15. Correct Subsection 4-6-11-a, EXCLUSIONS, REDUCTIONS AND EXCEPTIONS, of Section 4-6, PARKING AND LOADING REQUIREMENTS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by changing the phrases in the first sentence from 'required in CB zones' to "required in a **CB zone**."

Section 16. Correct Table 4-4-8-a-1, OPEN USES REQUIRING SPECIAL SETBACKS, of Section 4-4, SETBACKS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by changing 'See 4-9-7-c'to read "For minimum setbacks, see 4-9-7-c."

Section 17. Correct Section 4-8-9, EVENT ORIENTED SIGNS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by revising the beginning of the 5th sentence to read: "These **signs** shall not be

placed on a premises for more than 21 days within a 90 day period, no more than 4 times per year, etc."

Section 18. Correct Subsection 4-8-9, EVENT ORIENTED SIGNS, of Section 9, SIGNS, of Chapter 4, ADDITIONAL USE REQUIREMENTS, by adding: "(f) government authorized **banners** strung over public **right-of-way**."

Section 19. Change Subsection 4-11-1, RESIDENTIAL USES IN CENTRAL BUSINESS ZONES, of Section 4-11, MISCELLANEOUS RESTRICTIONS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, to read as "Residential uses in CB and CBW **zones** shall be located above the non-residential ground floor, except that one handicapped **accessible dwelling unit** may be located on the ground floor of non-elevator **buildings** in addition to non-residential **uses**."

Section 20. Change 4-11-2-d, BOARDING, BREEDING, TRAINING AND RIDING HORSES, of 4-11 MISCELLANEOUS RESTRICTIONS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, to read as "Boarding, breeding, training, and riding horses can be **accessory** to a residential **development**, if it occupies land within that **development** at least 5 acres in area, and is made available only to residents of that **development**."

Section 21. Change Subsection 4-11-4-c, MINING RECLAMATION REQUIREMENTS, of 4-11 MISCELLANEOUS RESTRICTIONS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, to read as "In order to grant a **special exception**, the **ABZA** must approve the Reclamation Plan and also make it a condition of its grant, as per 6-4-4-d below. The petitioner shall record the approved Reclamation Plan in the Office of the County Recorder. The petitioner must then provide APC staff with surety in favor of Tippecanoe County in an amount equal to \$3000 per acre of land within the approved setbacks, before seeking an **improvement location permit**."

Section 22. Change Subsection 5-5-3-a, PERMITTED HOME OCCUPATIONS, of Section 5-5, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of Chapter 5, SUPPLEMENTARY REGULATIONS, by removing "and" from the end of item (10), replacing the period at the end of item (11) with a semi-colon and the word "and," then adding item (12) to read as "Individually ordered and/or customized items only (but no stock in trade)."

Section 23. Change Subsection 5-5-5-g, PERMITTED RURAL HOME OCCUPATIONS, of Section 5-5, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of Chapter 5, SUPPLEMENTARY REGULATIONS, so that the initial phrase reads as "Except for articles grown or crafted on the premises, etc."

Section 24. Change Subsection 5-5-6-a, PERMITTED HOME OCCUPATIONS, of Section 5-5, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of Chapter 5, SUPPLEMENTARY REGULATIONS, by removing "and" from the end of item (8), replacing the period at the end of item (9) with a semi-colon, then adding items as follows: "(10) Individually ordered and/or customized items only (but no stock in trade); and [new line] (11) Veterinary clinic or hospital." Delete item "(g) Veterinary clinic or hospital" from Subsection 5-5-7, PROHIBITED RURAL HOME OCCUPATIONS.

Section 25. Correct Subsection D-1-2-a, CALCULATING SIGN AREA, of Appendix D-1, COMPUTING SIGN AREA PER SIGN-LOT, by changing "D-3" to "D-2."

Section 26. Correct Section D-2, CALCULATING MAXIMUM SIGN AREA FOR A SIGN-LOT, of Appendix D-1, COMPUTING SIGN AREA PER SIGN-LOT, by adding under 'A. THE ZONAL BASE RATE IS:' "INSTL: RES./RURAL" with a base rate of "20 sq.ft.," and by adding at the bottom under 'D.. THE FREESTANDING SIGN USE FACTOR IS:' "See 4-8-6."

Section 27. Change Section 49-3-a, TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE, of Section 49, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of Chapter 4, ADDITIONAL USE RESTRICTIONS, by adding a new heading in the left hand column: "**ZONE** IN WHICH MINIWAREHOUSE OR SELF STORAGE WAREHOUSE IS BEING DEVELOPED" with "NB GB I1 I2 I3 A" under that column heading; and, adding a "B" under the column headed ZONE ABUTTING NEW DEVELOPMENT OR REDEVELOPMENT, R1 R1A R1B RIU R1Z R2 R2U R3 R3W R4W PDRS MR NBU.

Section 28. Change Section 3-2-6, TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES, of chapter 3, PERMITTED USE TABLE, for '4225 Miniwarehouse and self storage warehousing' by adding "4-9-3-a" in the Special Conditions column.

Section 29. This ordinance shall be in full force and effect from and after the date of passage.

**ADOPTED AND PASSED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE
COUNTY, INDIANA THIS 21st DAY OF September, 1998.**

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF TIPPECANOE

Yes

John L. Knochel, President

Yes

Ruth E. Shedd, Vice President

Yes

Kathleen Hudson, Member

ATTEST:

Betty J. Michael, Auditor